



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Labour and Information Department

Order

No. LC/1/ID/(130)/72-IT-7/72-73/649

The Award dated 18th April, 1973 given by the Industrial Tribunal, Goa, Daman and Diu in the matter of an Industrial Dispute between M/s. Goa Flour Mills, Chicalim Goa, and their workmen referred to the said Tribunal under this Department's order No. LC/1/ID/(130)/72-IT-7/72 dated 21st September, 1972 is hereby published as required by the provisions of Section 17 of the Industrial Dispute Act, 1947 (XIV of 1947).

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary Industries and Labour
Panaji, 15th May, 1973.

Before Shri M. G. Chitale, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 8 of 1972

Between

Messrs. Goa Flour Mills, Chicalim, Goa
and
Their workmen

In the matter of whether the workers of M/s. Goa Flour Mills were justified in their demands as mentioned in the charter of demands served on the management of the company? If so to what relief the workmen are entitled for etc.

Appearances:

Shri Ramesh Desai, Labour Advisor, for the employer-company.
Shri Gajanan Patil, for the workmen.

AWARD

18th April 1973.

This is a reference under Section 10(1)(d) of the Industrial Disputes Act 1947, for adjudication of an industrial dispute. It relates to the demands of the workmen mentioned in the charter of demands served on the management.

2. Parties have settled the dispute. They submitted the terms of settlement and prayed for award in terms of the settlement. I find the settlement fair and reasonable. Accordingly I pass

award in terms of settlement annexed hereto. No order as to costs.

Sd/- M. G. CHITALE

Industrial Tribunal

Before the Presiding Officer, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) 8 of 1972

Between

The Management of M/s. Goa Flour Mills, Chicalim, Goa
and
Their workmen

In the matter of «whether the workers» of M/s. Goa Flour Mills were justified in their demands as mentioned in the charter of demands served on the Company vide the Union's letter No. 199/GFM/dt. 27th April, 1972: if so, to what relief the workmen are entitled for? etc.

May it please Your Honour:

The above reference was fixed for hearing before your Hon'ble Tribunal on 14-11-1972 at Goa. Subsequently, due to the direct intervention of the Hon'ble Minister, Shri Pratap-singh Rane, who have entered into an agreement and signed a Memorandum of Settlement under Section 2(P) of the I. D. Act, 1947 on 12-1-1973. The original copy of the said Settlement is enclosed herewith.

We now pray before Your Hon'ble Tribunal, jointly that all the disputes covered by the above said reference have been settled amicably, and we pray that in the light of the above settlement a no dispute award or a consent award may please be given for which act of kindness we shall ever pray.

For Goa Flour Mills,

(Sd.)

Narendra Vithaldas
for Director

For National Union of General Employees (Goa).

(Sd/-) 12-1-73

Mohan Nair
General Secretary

Panaji, 12th January, 1973.

TRUE COPY

Panaji,
12th January, 1973.

To

The Secretary,
Industries and Labour Department,
Government of Goa, Daman and Diu, Secretariat,
Panaji.

Sub: Memorandum of Settlement signed under
Section 2(P) of the I. D. Act 1947 on

12-1-1973 between the Management of M/s. Goa Flour Mills, Chicalim, Goa, and the Workmen represented by National Union of General Employees (Goa).

- Ref: (1) Notification No. LC/1/ID(130)/72-IT-7/72/1320 dated 21st September, 1972 of the Industries and Labour Department, Government of Goa, Daman and Diu.
- (2) Reference No. (IT-GDD) 8 of 1972 before the Industrial Tribunal, Goa, Daman and Diu.

Sir,

We are enclosing herewith an original copy of a Memorandum of Settlement signed under 2(P) of the I.D. Act, 1947 in respect of the above dispute/reference.

As Hon'ble Shri M. L. Abhyankar, the Presiding Officer of the Industrial Tribunal has been retired and is no more functioning as the Presiding Officer of the Tribunal and as the Government has appointed no one else in his place, we jointly request you to forward the enclosed settlement to the Presiding Officer as and when appointed by Government, for favour of a consent award.

Thanking you,

For Goa Flour Mills,

For National Union of General Employees (Goa)

(Sd.)

(Sd.)

Narendra Vithaldas
for Director

Mohan Nair
General Secretary

Enclosed: as above.

TRUE COPY

Panaji,
12th January, 1973.

To

The Labour Commissioner,
Government of Goa, Daman and Diu,
Panaji.

Sub: Memorandum of Settlement signed under Section 2(P) of the I.D. Act 1947 on 12-1-1973 between the Management of M/s. Goa Flour Mills, Chicalim, Goa, and their Workmen represented by National Union of General Employees (Goa).

- Ref: (1) Notification No. LC/1/ID(130)/72-IT-7/72/1320 dated 21st September, 1972 of the Industries and Labour Department, Government of Goa, Daman and Diu.
- (2) Reference No. (IT-GDD) 8 of 1972 before the Industrial Tribunal, Goa, Daman and Diu.

Sir,

We are enclosing herewith a copy of the above mentioned memorandum of settlement dated 12-1-1973 for favour of registration as required under sub-rule (4) of rule 58 of the Industrial Disputes Central Rules, 1957.

Kindly acknowledge the receipt of the same.

Thanking you,

For Goa Flour Mills,

For National Union of General Employees (Goa)

(Sd.)

(Sd.) 12-1-73

Narendra Vithaldas
for Director

Mohan Nair
General Secretary

TRUE COPY

Memorandum of Settlement under section 2(P) of the Industrial Disputes Act, 1947, signed between the Management of M/s. Goa Flour Mills, Chicalim, Goa and their workmen represented by the national Union of general employees (Goa)

Present

- | | |
|-----------------------------|---------------------------|
| Representing the Management | Representing the Union |
| 1. Shri Narendra Vithaldas | 1. Shri Mohan Nair |
| 2. Shri V. R. Balal | 2. Shri Y. W. Kamat |
| 3. Shri T. S. C. Rao | 3. Shri Caetano Fernandes |

Short Recital of the case

The Government vide its Notification No. LC/1/ID(130)/72/IT-7/72/1320 dated 21st September, 1972, referred the industrial dispute existing in between the Management of M/s. Goa Flour Mills, Chicalim, Goa, and their workmen to the Industrial Tribunal for adjudication. In spite of the fact of referring the Industrial Dispute for adjudication, the strike continued. As a consequence of the strike and the closure of the Mill, scarcity of wheat flour was felt. At the intervention of the Hon'ble Minister for Labour and Civil Supplies, Shri Pratapsingh Rane, the following settlement is arrived at between the Management of M/s. Goa Flour Mills, Chicalim and their workmen.

Terms of Settlement

1. Medical Benefit:

All employees, both staff and workmen of the Goa Flour Mills, shall be granted reimbursement of medical expenses incurred by him for himself and his family members to the extent not exceeding Rs. 50/- (Rs. fifty only) per calendar year with retrospective effect from 1-1-1972. Any employee who joins the service in the middle of the year, will be paid the medical benefit on pro-rata basis.

For this purpose, the family means, lawful wife of the workmen and legal dependent children and parents entirely dependent on the workmen only.

Payment of reimbursement amount would be made on application by the workmen if it is supported by Bills, for treatment from a Registered Medical Practitioner or bills from Medical Stores supported by prescriptions from a Registered Medical Practitioner, X-Ray, Screening and/or treatment charges, operation charges. The amount expended towards expenses on account of tentures and spectacles shall not be taken into account for the purpose of consideration of reimbursement of medical expenses.

Any medical benefit existing in the past by convention or otherwise shall be discontinued with immediate effect and the amount so paid from 1-1-1972 shall be adjusted from the total amount due to be paid to the workmen concerned under this Scheme. However, the services of the Company's Medical Officer for consultation will be continued.

It is further agreed that this medical scheme shall be discontinued after the period of six months from the date of the Award or earlier in case provisions of Chapter IV and V of Employees State Insurance Act, 1948 are made applicable to Goa Flour Mills during this period. Thereafter, no benefit under the scheme would be paid to the workmen for the period of next six months. If, during the extended period of six months, the provisions of Chapter IV of the Employees State Insurance Act are not made applicable then the Management will reimburse all the pending bills under the present scheme subject to a maximum of Rs. 30/- per calendar year.

If, after the period of one year from the date of Award, Goa Flour Mills are excluded from the coverage of Employees State Insurance Act, 1948 and the Management is not required to pay any contribution under the E. S. I. Scheme, then the medical benefits mentioned above would continue to be paid under the above scheme until the Employees State Insurance Scheme is made applicable.

2. Dearness Allowances:

It was agreed between the parties that Dearness allowance would be paid to all workmen including the staff and it should be linked up with the All India Price Index plus a fixed dearness allowance. It was agreed between the parties that the

pattern for payment of dearness allowance should be as follows:—

Sr. No.	Pay Scale of workmen	Fixed D. A.	Variable D. A.	Total D. A.
1.	Rs. 150/- and below	Rs. 18-50	Rs. 6-50	Rs. 25-00
2.	Rs. 151/- to 200/-	Rs. 28-50	Rs. 6-50	Rs. 35-00
3.	Rs. 201/- and above	Rs. 38-50	Rs. 6-50	Rs. 45-00

The figure of variable dearness allowance of Rs. 6-50 has been arrived at by considering the difference in the All India Consumers Price Index between May, 1970 (183 points) and October, 1971 (196 points) i. e. a difference of 13 points at 50 paise per point per month. It was agreed that the position regarding the All India Consumers Price Index would be reviewed twice a year on 1st April and 1st October. For D. A. payable from April, the average Index Number should be worked out for the preceding year from July to December. Likewise for D. A. payable from October, average Index Number from January to June should be worked out. Whatever rise or fall in the average Index Number is there, for each point, the rise or fall in D. A. would be at the rate of 50 paise per point per month.

The amount of fixed D. A. would remain unchanged throughout the period of this settlement i. e. upto 31st December, 1975. Dearness allowance should be given with retrospective effect from 1st January, 1972, for determining fixed D. A., wage scale as agreed to between the Management and the Union vide previous agreement dated 26th May, 1970 has been taken into account and this wage scale will remain unaltered till the 31st December, 1975.

3. Production Bonus:

In view of this settlement this demand is withdrawn and is not to be raised or re-agitated during the period of this settlement.

4. Mukadam Allowance:

It is agreed that the three permanent workmen who are designated as Mukadam shall be paid an extra amount as Mukadam Allowance at the rate of Rs. 15/- per month in view of the special responsibility involved in their work.

Permanent workman who officiates as a Mukadam during the absence of the regular Mukadam, shall be paid this allowance of Rs. 15/- per month on pro-rata, with effect from 1-1-1972.

5. Leave:

It is agreed that additional one day will be given to employees as casual/sick leave with retrospective effect from 1-1-1972.

At present "Staff" is granted 30 days leave (Privilege leave, sick leave and casual leave). Now, as a result of this agreement, they will be entitled to get one additional day of casual/sick leave.

At present, "Mill workers" are granted 15 days privilege leave, 7 days casual/sick leave. Now, as a result of this settlement, the mill worker will be entitled to enjoy 8 days casual/sick leave, in addition to 15 days privilege leave.

6. House Rent Allowance for the office staff and mill workers:

In view of this settlement, the demand is withdrawn by the Union and not to be raised or re-agitated during the period of this settlement.

7. Scale of pay for the Office Staff:

Both the parties agree to abide by the statement annexed herewith showing the details of the pay scales fixed therein. Increments will be paid to the staff as prescribed in the time scale from April every year. The next increment falls due on 1-1-1973.

8. Increment for Yellapa Gang:

It is agreed between the parties that all the workmen of Yellapa Gang, including Shri Yellapa Hanumappa, would be paid yearly increments at the rate of Rs. 8/- per head on every April of a year. The next increment will fall due on 1-4-1973.

9. General:

This Settlement shall remain in force for a period ending 31st December, 1975, from the date of Award.

The payment of arrears fallen due by virtue of the settlement shall be made within one month from the date of the acceptance of this settlement by the Industrial Tribunal, Goa, Daman and Diu, Panaji.

In order to maintain peace in the industry, both the parties have arrived at the settlement on the pending reference before the Industrial Tribunal Goa, Daman and Diu and have no desire to press the matters, and shall take it as having been settled accordingly, with the clear understanding that the employees shall not raise any dispute for wages for the days of strike for period commencing from 7th September, 1972 to 9th November, 1972.

It is specifically agreed by and between the parties to this settlement that during the continuance of this Award the workmen and/or the members of the staff, through the said Union or otherwise, shall not raise any further demands on the subjects covered under this settlement.

In view of this settlement both the parties agree to maintain extremely exemplary industrial employer-employee relation and maintain optimum production.

Signature of the parties

Representing the Management Representing the Workmen

(Sd.)

(Sd.) 12/1/73

1. (Narendra Vithaldas)

1. (Mohan Nair)

(Sd.)

(Sd.)

2. (V. R. Ballal)

2. (Y. W. Kamat)

(Sd.) 12/1/73

(Sd.)

3. (T. S. C. Rao)

3. (Caetano Fernandes)

Witnesses:

1. (Sd.)

2. (Sd.)

Panaji, 12th January, 1973.

TRUE COPY

Sr. No.	Name	Designation	Date of appointment	Starting salary	Increments	Present Pay	70% of the last increment	Pay-scale
1	2	3	4	5	6	7	8	9
1.	Shri M. Hassein	Senior Clerk	15- 9-1966	Rs. 200/-	Rs. 20-50-45-35-35.	Rs. 435/-	Rs. 25/-	Rs. 180-435-25-460-25-485.
2.	Shri S. K. Sherlekar	— do —	15- 9-1966	Rs. 140/-	Rs. 20-40-50-45-35-35.	Rs. 365/-	Rs. 25/-	Rs. 180-365-25-415-EB-25-490.
3.	Shri Y. W. Kamat	— do —	29- 9-1966	Rs. 150/-	Rs. 20-25-20-27-27.	Rs. 279/-	Rs. 19/-	Rs. 180-279-19-355-EB-19-412-EB-19-450-20-490.
4.	Shri R. A. Parmekar	— do —	1- 2-1966	Rs. 90/-	Rs. 25-10-25-25-35-40-25-25.	Rs. 300/-	Rs. 18/-	Rs. 180-300-18-354-EB-18-408-408-EB-20-488.

1	2	3	4	5	6	7	8	9
5.	Shri S. B. Bhangui	Junior Clerk	22- 9-1966	Rs. 150/-	Rs. 15-15-25- -20-20-20.	Rs. 265/-	Rs. 14/-	Rs. 140-265-14-349.
6.	Shri L. L. Mascarenhas	— do —	4-10-1966	Rs. 115/-	Rs. 25-25-15- -20-20.	Rs. 220/-	Rs. 14/-	Rs. 140-220-14-262-EB- -14-276.
7.	Shri C. G. Dabholkar	— do —	9-10-1967	Rs. 115/-	Rs. 25-25-15- -20-20.	Rs. 220/-	Rs. 14/-	Rs. 140-220-14-262-EB- -14-276.
8.	Shri P. A. Parmekar	— do —	14-11-1967	Rs. 115/-	Rs. 10-15-20- -20.	Rs. 200/-	Rs. 14/-	Rs. 140-200-14-256-EB- -14-270.
9.	Shri D. K. Haldankar	— do —	9-10-1967	Rs. 115/-	Rs. 10-15-15- -20-20.	Rs. 200/-	Rs. 14/-	Rs. 140-200-14-256-EB- -14-270.
10.	Shri R. D'Souza	— do —		Rs. 115/-	Rs. 20.	Rs. 220/-	Rs. 14/-	Rs. 140-220-14-262-EB- -14-276.
11.	Shri M. Vaz	— do —	14- 4-1967	Rs. 125/-	Rs. 20-15-20- -20-20-20.	Rs. 240/-	Rs. 14/-	Rs. 140-240-14-338.
12.	Shri Usman Khan	— do —	14-10-1966	Rs. 85/-	Rs. 15-12-50- 12.50-10- -10-15.	Rs. 165/-	Rs. 11/-	Rs. 140-165-11-264-EB- -275.
13.	Shri P. J. Chacko	Steno-typist	23-11-1970	Rs. 150/-	Rs. 20-20.	Rs. 190/-	Rs. 14/-	Rs. 140-190-14-260-EB- -274.
14.	Shri A. R. Rodrigues	Jr. Clerk	20-10-1969	Rs. 150/-	Rs. 15-20-20.	Rs. 205/-	Rs. 14/-	Rs. 140-205-14-261-EB- -14-275.
15.	Shri S. Y. Kamat	— do —	13- 7-1971	Rs. 150/-	Rs. 10.	Rs. 160/-	Rs. 7/-	Rs. 140-160-7-223-8- -263-EB-8-271.
16.	Shri Anant Naik	— do —	25-10-1971	Rs. 140/-	Rs. 10-10.	Rs. 160/-	Rs. 7/-	Rs. 140-160-7-223-8- -263-EB-8-271.
17.	Shri T. T. Krishnan	— do —	2- 9-1971	Rs. 150/-	Rs. 10.	Rs. 160/-	Rs. 7/-	Rs. 140-160-7-223-8- -263-EB-8-271.
18.	Shri Michael Pereira	— do —	1-12-1971	Rs. 140/-	Rs. 10.	Rs. 150/-	Rs. 7/-	Rs. 140-150-7-220-8- -260-EB-8-276.
19.	Shri Prakash Divekar	— do —	2- 5-1971	Rs. 135/-	Rs. 8.	Rs. 143/-	Rs. 6/-	Rs. 110-143-6-173.

Note: — The present pay at column No. 7 has been fitted in the respective scale of pay. The staff will continue to draw the present pay and the future increment in the said scale will fall due on first April of each year.

Sd/-
(Mohan Nair)
12/1/73

Sd/-
(Y. W. Kamat)

Sd/-
(Narendra Vithaldas)

Sd/-
(V. R. Ballal)

Sd/-
(T. S. C. Rao)
12/1/73